

COLORADO OPEN RECORDS ACT POLICY FOR THE COLORADO ENERGY OFFICE

The Colorado Energy Office is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (“CORA”) (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner. * This policy will help ensure the Energy Office complies in all respects with CORA and meets all constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or supersede state law. *This policy also generally applies to requests made pursuant to the Colorado Criminal Justice Records Act.

This policy applies solely to records requests where the Energy Office is the custodian of records pursuant to CORA. Other state agencies and Office departments may have different CORA policies.

Office procedure for handling records requests

All records requests made of the Energy Office by mail, fax, courier, e-mail or other means shall be immediately provided to Open Records Request Liaison. All records that may be responsive to specific requests for information must be provided to the Open Records Request Liaison as soon as possible. Open Records Request Liaison will respond to all CORA requests except in extraordinary circumstances.

The Energy Office will only accept records requests made in writing or electronically via e-mail or fax. Records requests or requestors that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, the Office shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. If the request is received during normal business hours (8:00 am – 5:00 pm; Monday - Friday) the three-day response time starts when a records request is in the Energy Office’s possession. Requests received outside of the normal business hours, or any day the Energy Office is officially closed will be considered received as of the following business day (i.e., an email received at 5:09 p.m. Monday will be considered received Tuesday and will be responded to by close of business Friday; a letter received Saturday will be considered received Monday and responded to by close of business Thursday) The Energy Office can add up to a seven-working-day extension if extenuating circumstances apply, as defined in § 24-72-203(3)(b), C.R.S.

No employee of the Energy Office may modify, redact or omit any records they are required to provide to the Open Records Request Liaison pursuant to this policy, or his or her designee handling the request. Decisions about the applicability of CORA to particular writings will be made by the Open Records Request Liaison.

When feasible, the Energy Office will endeavor to provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records (see “The format of records produced” below). When responsive records cannot be easily or cost-effectively provided electronically to a requestor, the Energy Office will work with the requestor

to schedule a time to inspect the records in person. The Open Records Request Liaison may grant exceptions where the Office, requestors or the records produced require special accommodations.

Colorado Energy Office staff should never assume a document is exempt from CORA and should always consult attorneys in the Open Records Request Liaison before making a final determination.

These provisions shall not apply to records requests received and handled by employees as part of their work for State Agencies or officials when the custodian of records is not the Energy Office.

Fees for document retrieval, review, copies and release of records

When a substantial request is made — requiring the production of more than 25 pages of documents or the use of more than one hour of staff time to locate or produce records — the Energy Office will charge the requestor for all copying expenses and reasonable, actual costs associated with staff time in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the number of pages produced in response to a records request exceeds 25 pages, the Energy Office will charge \$0.25 per page for all documents photocopied. When researching, retrieving, reviewing or producing records consumes more than one hour of staff time, the Energy Office will charge \$20 an hour for all staff time after the first hour associated with researching, retrieving, reviewing and producing records for a requestor. Any costs charged to a requestor shall not exceed the actual cost of producing the records, in accordance with § 24-72-205(5)(a), C.R.S., and applicable law.

For requests where the Energy Office anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, the Energy Office will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the Open Records Request Liaison.

The format of records produced

The Colorado Open Records Act guarantees that all public records must be open for inspection by any person at reasonable times, except as provided in CORA or as otherwise specifically provided by law (§ 24-72-201, C.R.S.). CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of Colorado Energy Office employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the Energy Office, the Open Records Request Liaison will determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at the office's discretion; this may or may not mean records are provided in their native format.

The office may require that members of the public or press only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the Office or its staff or production of original records could jeopardize the condition of the records.